

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1 - 4 are pending in the application, with claims 1 and 3 being the independent claims. Claim 1 has been amended; support for this amendment is found at page 12, lines 8-17 of the specification. This change introduces no new matter, and its entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 1 and 2, arguing that they are anticipated by U.S. Patent No. 5,777,761 ("Fee").

Claim 1, as amended, discloses an embodiment of the invention in which a standby-system optical transmission unit transfers signals at a fixed wavelength. This feature is not disclosed by Fee. Rather, Fee discloses a "protect" (i.e., spare) transmitter that is tunable. This transmitter "is tuned to the wavelength corresponding to the failed optical transmitter" (Fee, col. 6, lines 30-31, and ref. 124p<sub>1</sub>, FIG. 1). Because the feature of a standby-system optical transmission unit that transfers signals at a fixed wavelength is not disclosed by Fee, claim 1 as amended is not anticipated by Fee.

Because claim 2 depends from claim 1, the features of claim 1 are necessarily incorporated

into any interpretation of claim 2. Because Fee does not anticipate all features of claim 1, Fee likewise fails to anticipate claim 2.

***Rejections under 35 U.S.C. § 103***

With respect to claim 3, the Examiner argues that this claim is obvious over the Fee reference in view of U.S. Patent 5,150,246 (“Suzuki”). In particular, the Examiner argues that Suzuki discloses an external central operations system for managing failed components. Claim 3, however, states that defect information is sent to an external maintenance member management terminal that performs management of maintenance members, supply processing, or similar functions.

While claim 3 discloses a management terminal that performs management of maintenance members, supply processing, or similar functions in response to defect information, Suzuki discloses no such processing. Suzuki may discuss the receipt of fault information at a central operations system, but Suzuki does not disclose or suggest any response by such a system. Such response is a feature of claim 3, but is absent from Suzuki. Nor is this feature disclosed by Fee. Claim 3, therefore, is not rendered obvious by any reasonable combination of Fee and Suzuki.

Likewise, this feature of claim 3 is necessarily incorporated into dependent claim 4. Because this feature is not disclosed by any reasonable combination of Fee and Suzuki, claim 4 is likewise not rendered obvious by Fee, Suzuki, or any combination thereof.

Applicants: SUZUKI et al.  
Application No. 09/825,061

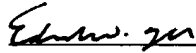
***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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